

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lawrence C Sheedy,)
Plaintiff,) CIVIL ACTION NO. 3:10-1604-MBS-JRM
v.)
Phillip Thompson, Sheriff; Tom Fox,)
Director; Joey Johnson, Deputy Director;)
Deborah Hipp, Medical Director;)
Nurse Dawn Wilson, Nursing Director;)
Lt. Meyers, Classification Supervisor,)
Defendants.)

)

REPORT AND RECOMMENDATION

This matter was filed by the Plaintiff, *pro se*, on June 28, 2010, wherein he alleged a violation of his constitutional rights under 42 U.S.C. § 1983. The case was brought into proper form and an order authorizing service of process was issued on September 29, 2010. On January 3, 2011, Defendants filed their answer to Plaintiff's complaint, and a scheduling order was entered by the Court. Shortly thereafter, the Court received a motion from the Plaintiff requesting that this case be dismissed, without prejudice.

Defendants filed a response to the Plaintiff's motion to dismiss on January 27, 2011, stating that they consented to Plaintiff's motion to dismiss. Pursuant to Rule 41(a)(2), unless a stipulation of dismissal signed by all the parties is submitted, an action shall not be dismissed in a case in which a responsive pleading has been filed except upon order of the Court and upon such terms and

conditions as the Court deems proper. Plaintiff has advised the Court that he wishes to voluntarily dismiss this case. As Defendants have no objection to the dismissal of this case, it is recommended that this case be **dismissed**, without prejudice, pursuant to Rule 41(a)(2), Fed.R.Civ.P.



Joseph R. McCrorey
United States Magistrate Judge

Columbia, South Carolina

January 28, 2011

The parties are referred to the Notice Page attached hereto.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).